

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

GILBERT SMITH,

Plaintiff,

v.

ERICSSON INC. and CORPORATE
EMPLOYMENT RESOURCES, INC.
d/b/a CORESTAFF SERVICES

Defendants.

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CASE NO. 4:17-CV-178-ALM-KPJ
JUDGE MAZZANT/JUDGE JOHNSON

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, the matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On May 17, 2017, the report of the Magistrate Judge (Dkt. #21) was entered containing a recommendation that Plaintiff's Motion to Remand and Brief in Support (Dkt. #9) be granted in part and denied in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** Plaintiff's Motion to Remand and Brief in Support (Dkt. #9) is **GRANTED IN PART and DENIED IN PART**. Specifically, the Court **ORDERS** that Plaintiff's claim for retaliation under Texas Labor Code § 451.001 be severed and remanded to the District Court, 429th Judicial District, Collin County. The Court further **ORDERS** that all additional claims be retained, as the Court has jurisdiction over the Family and Medical Leave

Act claim pursuant to 28 U.S.C. § 1331, and supplemental jurisdiction over the premises liability/negligence claim pursuant to 28 U.S.C. § 1367.

IT IS SO ORDERED.

SIGNED this 2nd day of June, 2017.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE